Defendants.

This matter is before the Court on Plaintiff Infinite Master Magnetic's failure to comply with the Court's Order (Dkt. #7). This proceeding is referred to the undersigned pursuant to 28 U.S.C. § 636(b)(1)(B) and LR IB 1-4 of the Local Rules of Practice.

Mr. Magnetic is proceeding in this action *pro se*, which means that he is not represented by an attorney. He submitted a Complaint (Dkt. #1-1) as part of his initiating documents, but did not pay the \$400 filing fee or submit an application to proceed *in forma pauperis* ("IFP"). As such, the Court could not determine whether Plaintiff qualified to proceed *in forma pauperis* ("IFP").

On March 31, 2016, the Court entered an Order (Dkt. #7) directing the Clerk's Office to mail Plaintiff an IFP application, and allowing Plaintiff to file a completed IFP application or pay the \$400.00 filing fee on or before April 29, 2016. *Id.* The Order warned Plaintiff that a failure to (1) file a completed IFP application, or (2) pay the \$400 filing fee, would result in a recommendation to the District Judge that this case be dismissed. Plaintiff has not filed a completed IFP application, paid the \$400 filing fee, requested an extension of time, or taken any other action to prosecute this case.

Accordingly,

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IT IS RECOMMENDED that this action be DISMISSED without prejudice to the Plaintiff's ability to commence a new action in which he either pays the appropriate filing fee in full or submits a completed application to proceed *in forma pauperis*.

IT IS FURTHER RECOMMENDED that the Clerk of the Court be instructed to close this case and enter judgment accordingly.

DATED this 9th day of May, 2016.

PEGGY A. LEEN

UNITED STATES MAGISTRATE JUDGE

NOTICE

This Report of Findings and Recommendation is submitted to the assigned District Judge pursuant to 28 U.S.C. § 636(b)(1) and is not immediately appealable to the Court of Appeals for the Ninth Circuit. Any notice of appeal to the Ninth Circuit should not be filed until entry of the district court's judgment. See Fed. R. App. Pro. 4(a)(1). Pursuant to LR IB 3-2(a) of the Local Rules of Practice, any party wishing to object to a magistrate judge's findings and recommendations of shall file and serve specific written objections, together with points and authorities in support of those objections, within 14 days of the date of service. See also 28 U.S.C. § 636(b)(1); Fed. R. Civ. Pro. 6, 72. The document should be captioned "Objections to Magistrate Judge's Report of Findings and Recommendation," and it is subject to the page limitations found in LR 7-3(b). The parties are advised that failure to file objections within the specified time may result in the district court's acceptance of this Report of Findings and Recommendation without further review. United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003). In addition, failure to file timely objections to any factual determinations by a magistrate judge may be considered a waiver of a party's right to appellate review of the findings of fact in an order or judgment entered pursuant to the recommendation. See Martinez v. Ylst, 951 F.2d 1153, 1156 (9th Cir. 1991); Fed. R. Civ. Pro. 72.